

S.R. 51 - By Adams: Memorial resolution for Roosevelt Coleman.

S.R. 53 - By Aikin: Memorial resolution for T. D. Wells, Jr.

S.R. 54 - By Aikin: Memorial resolution for R. H. Weaver.

CONGRATULATORY RESOLUTION

S.R. 52 - By Ogg, Schwartz, Brooks, Jones of Harris: Extending congratulations to University of Houston Cougar Football Team.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:08 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, January 24, 1977.

SIXTH DAY

(Monday, January 24, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Brooks, Creighton, Longoria.

A quorum was announced present.

The Reverend Frank Walker, First Southern Presbyterian Church, Austin, offered the invocation as follows:

Our Father, we gather for work after a week of inauguration, travel, joys and disappointments.

Desks are piled high with work and more in on the way...in these early days of this session keep our minds clear and courage strong to be worthy representatives of the people of Texas and maintain our integrity.

We need Your help and unashamedly ask Your blessing. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, January 18, 1977, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Traeger.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Williams.

REPORT OF STANDING COMMITTEE

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

S.B. 30

SENATE BILLS AND RESOLUTIONS ON FIRST READING

S.B. 251 by Moore Natural Resources
Relating to the authority of the Railroad Commission to set certain rates; amending Subdivision (12), Article 1175, Revised Civil Statutes of Texas, 1925, as amended, and Subsections (a) and (b), Section 19, and Section 26, Chapter 721, Acts of the 64th Legislature, Regular Session, 1975 (Article 1446c, Vernon's Texas Civil Statutes), and repealing Article 6058, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 252 by Hance Jurisprudence
Relating to workmen's compensation for employees of Texas Tech University and Texas Tech University School of Medicine at Lubbock; repealing Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8309f, Vernon's Texas Civil Statutes).

S.B. 253 by Parker Intergovernmental Relations
Relating to the creation of the 245th Judicial District, composed of Chambers and Liberty counties; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.070.

S.B. 254 by Parker Intergovernmental Relations
Relating to the creation of the 246th Judicial District composed of Jefferson County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.071.

S.B. 255 by Parker State Affairs
Relating to credit in the Employees Retirement System of Texas for certain service performed for a county child welfare board; amending Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), by adding Subsection I.

S.B. 256 by Parker Finance
Relating to the inheritance tax rates for certain persons; amending Article 14.02 of and adding Article 14.021 to Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 257 by Schwartz

Jurisprudence

Relating to the regulation of vehicles hauling loose materials and the measure of damages resulting from violations; amending Section 3a, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), by amending Subsections (d) and (k) and adding Subsection (l).

S.B. 258 by Hance

Human Resources

Relating to the maximum renewal fee for an optometrist license; amending Subsection (a), Section 4.01, Texas Optometry Act (Article 4552-4.01, Vernon's Texas Civil Statutes).

S.B. 259 by Moore

State Affairs

Amending Section 5 of Chapter 304, Acts of the 55th Legislature, Regular Session, 1957 (Section 5, Article 664-3, Vernon's Texas Civil Statutes), as amended by Chapter 57, Acts of the 62nd Legislature, Regular Session, 1971; delegating to the Texas Department of Mental Health and Mental Retardation authority to make purchases from its centralized food purchase fund without authority of the Board of Control; and declaring an emergency.

S.B. 260 by Clower

Human Resources

Relating to the regulation of deceptive and unlawful trade practices in the repair of motor vehicles; forbidding the disclaimer of warranty against defects in materials and workmanship for repair of motor vehicles; requiring certain disclosures relating to warranties, price estimates, and work performed on a motor vehicle; prohibiting certain acts and omissions by automotive repair facilities and providing certain civil penalties; and declaring an emergency.

S.B. 261 by Harris

Jurisprudence

Relating to availability of certain information maintained by governmental bodies as public information; amending Subsection (a) of Section 3, Chapter 424, Acts of the 63rd Legislature, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 262 by Harris

Jurisprudence

Relating to the availability of audit working papers of governmental bodies as public information; amending Subsection (a) of Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 263 by Harris

State Affairs

Relating to reasonable charges by governmental bodies for providing the public with access to information; providing that a governmental body may require a bond or deposit of one-half the estimated cost of providing access; amending Sections 9 and 11, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 264 by Harris

Intergovernmental Relations

Relating to fees collected by district clerks in certain counties; amending Chapter 592, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3927b, Vernon's Texas Civil Statutes).

S.B. 265 by Harris

Intergovernmental Relations

Relating to fees collected by district clerks; amending Article 3927 Revised Civil Statutes of Texas, 1925, as amended.

S.B. 266 by Mauzy, Parker Intergovernmental Relations
Providing for the administration of family law by replacing the juvenile courts of Dallas and Harris counties and all functioning domestic relations courts with district courts of general jurisdiction to be called family district courts; providing for these courts' jurisdiction, terms, personnel, facilities, and administration; restructuring existing juvenile boards in certain counties and providing for the future creation and organization of juvenile boards in other counties; repealing the laws creating and providing for the replaced courts; repealing the laws providing for creation of domestic relations courts in Lubbock and Starr counties.

S.B. 267 by Mauzy Jurisprudence
Relating to a general charge to the jury by a district court, county court, or county court at law and evidence to support certain judgments; repealing laws in conflict.

S.B. 268 by Mauzy Jurisprudence
Relating to recovery from a third person, subrogation, and attorney's fees and expenses as provided in the workmen's compensation law; amending Section 6a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 269 by Mauzy Jurisprudence
Relating to the inclusion of references to Articles 8306, 8307, 8308, and 8309, as amended, (Texas Revised Civil Statutes, 1925) of the workmen's compensation law in Article 21.21-2 of the Insurance Code and the inclusion of a reference to Article 21.21-2 of the Insurance Code in Sections 17.50 and 17.51 of the Deceptive Trade Practices-Consumer Protection Act (Sections 17.41 to 17.63, Business & Commerce Code); amending Section 2, Article 21.21-2, Insurance Code; amending Subsection (a) of Section 17.50 and Subsection (a) of Section 17.51 of the Deceptive Trade Practices-Consumer Protection Act of the Business & Commerce Code; and declaring an emergency.

S.B. 270 by Mauzy Jurisprudence
Relating to lump sum payments of benefits to a widow, widower, or children, and to payment of attorney's fees, under the workmen's compensation law; amending Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 271 by Mauzy Jurisprudence
Relating to venue for suits to set aside a final ruling or decision of the Industrial Accident Board under the workmen's compensation law, amending Section 5, Article 8307, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 272 by Mauzy Jurisprudence
Relating to payment of charges of medical witnesses in cases under the workmen's compensation law; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section 7-f; and declaring an emergency.

S.B. 273 by Mauzy State Affairs
Relating to the Texas Turnpike Authority's administration of the financial affairs of the Dallas-Fort Worth Turnpike; amending Section 12a of and adding Section 12b

to Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes).

S.B. 274 by Mauzy Intergovernmental Relations
Relating to the creation, jurisdiction, administration, and procedures of the Court of Domestic Relations Number Five of Dallas County; making other provisions relative to the business and functioning of the court; conforming the jurisdiction of other courts thereto; and providing for membership of the judge on the juvenile board.

S.B. 275 by Mauzy Intergovernmental Relations
Relating to the creation, jurisdiction, administration, and procedures of the County Court of Dallas County at Law No. 5; making other provisions relative to the County Courts of Dallas County at Law.

S.B. 276 by Mauzy Intergovernmental Relations
Relating to the creation, jurisdiction, administration, and procedures of the County Criminal Court No. 6 of Dallas County; making other provisions relative to the county criminal courts of Dallas County.

S.B. 277 by Mauzy Intergovernmental Relations
Relating to the creation of the 244th Judicial District composed of Dallas County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.069.

S.B. 278 by Mauzy Intergovernmental Relations
Relating to the creation of the 243rd Judicial District composed of Dallas County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.068.

S.B. 279 by Mauzy Jurisprudence
Relating to service of certain subpoenas.

S.B. 280 by Mauzy Jurisprudence
Relating to damages that certain beneficiaries may recover in an action for wrongful death; providing for the institution of suit; relating to the substantive and procedural law applicable in deaths occurring in foreign states and countries; amending Articles 4671, 4673, 4675, 4677, and 4678, Revised Civil Statutes of Texas, 1925, as amended, and adding Article 4671-1, Revised Civil Statutes of Texas, 1925.

S.B. 281 by Clower Intergovernmental Relations
Relating to the compensation of the county attorney or criminal district attorney in certain counties; amending Article 332b-1, Revised Civil Statutes of Texas, 1925.

S.B. 282 by Brooks Intergovernmental Relations
Relating to the jurisdiction of municipal courts of record in this state in any city with a population of more than 1,200,000 as determined by the last preceding federal census; prescribing the powers of such courts; prescribing the penalties and violations for criminal acts within the jurisdiction of these courts; providing for appeal of certain convictions in such courts; providing a repealing clause; and declaring an emergency.

S.B. 283 by Brooks Education

Relating to technical-vocational education; amending Sections 31.12, 31.13, and 31.33, Texas Education Code, as amended; relating to the membership, qualifications, terms, and duties of the Advisory Council for Technical-Vocational Education; and declaring an emergency.

S.B. 284 by Farabee

State Affairs

Including certain vehicles and vehicles used for certain uses in the definition of authorized emergency vehicles and excepting them from speed regulations; amending Subsection (d), Section 2 and Section 172, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 285 by Parker

Human Resources

Amending Chapter 67, Page 167, Acts of the 59th Legislature, Regular Session, 1965, as amended (codified as Article 5547-202, Sec. 2.05(a), Vernon's Texas Civil Statutes), providing for at least four regular meetings per year of the Texas Board of Mental Health and Mental Retardation; and declaring an emergency.

S.B. 286 by Jones of Taylor

Natural Resources

Relating to fees for stocking fish in private water; amending Chapter 12, Parks and Wildlife Code, by adding Section 12.014.

S.B. 287 by Jones of Taylor

Natural Resources

Relating to the requirement for a resident hunting license; amending Section 42.002, Parks and Wildlife Code.

S.B. 288 by Jones of Taylor

Natural Resources

Relating to the sale or exchange of certain state land by the Parks and Wildlife Department; amending Section 13.009, Parks and Wildlife Code.

S.B. 289 by Jones of Taylor

Natural Resources

Relating to the resident hunting license exemption fee; amending Section 42.013, Parks and Wildlife Code.

S.B. 290 by Jones of Taylor

Natural Resources

Relating to the transportation and storage of certain wild animals and birds; amending Subchapter B, Chapter 62, Parks and Wildlife Code, by adding Sections 62.0265 and 62.031, and by amending Subsection (a) of Section 62.027.

S.B. 291 by Jones of Taylor

Natural Resources

Relating to the seizure and disposition of illegal pelts; amending Chapter 12, Parks and Wildlife Code, by adding Section 12.1101.

S.B. 292 by Jones of Taylor

Natural Resources

Relating to the taking of shrimp for personal use in the major bays of the state; amending Subsection (a), Section 77.090, Parks and Wildlife Code.

S.B. 293 by Jones of Taylor

Natural Resources

Relating to the methods of taking fish in and within one mile of certain passes; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.2041.

S.B. 294 by Jones of Taylor

Natural Resources

Relating to the definition of kinds of nets and seines; amending Subchapter C, Chapter 66, Parks and Wildlife Code, by adding Section 66.2015.

S.B. 295 by Jones of Taylor Natural Resources
Relating to the penalty for hunting with a light; amending Subsection (c), Section 62.005, Parks and Wildlife Code.

S.B. 296 by Jones of Taylor Natural Resources
Relating to evidence of the origin of certain game fish possessed by persons selling fish; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.1111.

S.B. 297 by Jones of Taylor Natural Resources
Relating to the disposal of confiscated game fish; amending Section 12.110, Parks and Wildlife Code.

S.B. 298 by Jones of Taylor Natural Resources
Relating to commercial fishing by the holder of a fish farmer's license and certain qualifications for holding a fish farmer's license; amending Chapter 48, Parks and Wildlife Code, by adding Section 48.0021.

S.B. 299 by Jones of Taylor Natural Resources
Relating to the identification of aquatic products in the hands of holders of wholesale and retail fish dealer's truck licenses; amending Subchapter B, Chapter 47, Parks and Wildlife Code, by adding Section 47.0375; amending Section 47.051, Parks and Wildlife Code.

S.B. 300 by Jones of Taylor Natural Resources
Relating to fish traps; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.1021.

S.B. 301 by Jones of Taylor Natural Resources
Relating to the wild turkey gobbler bag limit; amending Subsection (b), Section 64.013, Parks and Wildlife Code.

S.B. 302 by Jones of Taylor Natural Resources
Relating to wild turkey tags; amending Subdivision (5) of Section 42.001, Subsection (b) of Section 42.010, Subsection (b) and (c) of Section 42.017, Section 42.020, and Section 42.021 of, and adding Section 42.0185 to, Chapter 42, Parks and Wildlife Code.

S.B. 303 by Jones of Taylor Natural Resources
Relating to the regulation of falconry and the protection and use of raptors; the following provisions of Chapter 49, Parks and Wildlife Code, are added or amended: Section 49.003, Section 49.004, Section 49.0045, Section 49.0047, Section 49.005, Section 49.006, Section 49.007, Section 49.011, Section 49.014, and Section 49.015.

S.B. 304 by Jones of Taylor Jurisprudence
Relating to the penalty for shooting on a public road; amending Subsection (a), Section 42.01, Penal Code.

S.B. 305 by Doggett Human Resources
Amending the Texas Mobile Homes Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as last amended by Chapter 674, Acts of the

64th Legislature, Regular Session, 1975 (codified as Article 5221f of Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 306 by Truan

Education

Relating to the establishment of programs of recruitment and support services for educationally disadvantaged students in public institutions of higher education; adding Section 51.907 to Chapter 51, Texas Education Code, as amended; and declaring an emergency.

S.B. 307 by Truan

Education

Relating to bilingual education programs in public schools; amending Sections 21.451, 21.452, 21.453, 21.454, 21.455, 21.456, and 21.460, Texas Education Code; amending and renumbering Section 11.17, Texas Education Code, as added by Section 2, Chapter 392, Acts of the 63rd Legislature, 1973.

S.B. 308 by Truan

Human Resources

Relating to the creation of the Texas Human Relations Commission; providing functions, duties, and responsibilities of the Texas Human Relations Commission; making other provisions relative to the regulation of certain discriminatory acts; providing judicial hearings, remedies, and penalties.

S.B. 309 by Braecklein

Jurisprudence

Relating to the return of stolen property to the rightful owner when no criminal trial is pending; amending Chapter 47, Code of Criminal Procedure, 1965, as amended, by adding Article 47.01a; and declaring an emergency.

S.B. 310 by Braecklein

Jurisprudence

Relating to a presumption under certain circumstances that a person obtains or exercises control over used or secondhand personal property knowing it to have been stolen; amending Section 31.03, Penal Code; and declaring an emergency.

S.B. 311 by Braecklein

Jurisprudence

Relating to increasing the penalty for enticing a child out of the county of his parents' residence and prohibiting solicitation of a child; amending Section 25.04, Penal Code, and Chapter 25, Penal Code, by adding a new Section 25.06; and declaring an emergency.

S.B. 312 by Moore

State Affairs

Relating to the liability of the state for certain actions of state officers or employees; amending Chapter 309, Acts of the 64th Legislature, Regular Session, 1975 (Article 6252-26, Vernon's Texas Civil Statutes).

S.B. 313 by Santiesteban

Education

Relating to sick leave for school personnel.

S.B. 314 by Truan

Human Resources

Relating to a warranty of habitability of rental residential premises; providing remedies; and prohibiting retaliation.

S.B. 315 by Truan

Human Resources

Relating to notice for terminating certain tenancies, willful interruption of utilities and willful exclusion of tenant by a landlord, a landlord's lien for rent, certain security deposits, a warranty of habitability of residential units, the enforcement of an unconscionable rental agreement, and the prohibition of retaliatory conduct by a

landlord; amending Subsection (c), Section 1, Chapter 525, Acts of the 60th Legislature, Regular Session, 1967 (Article 5236a, Vernon's Texas Civil Statutes); amending Sections 1, 2, and 4, Article 5236c, Revised Civil Statutes of Texas, 1925; Article 5236d, Revised Civil Statutes of Texas, 1925; amending Section 2, Chapter 433, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5236e, Vernon's Texas Civil Statutes), by adding Subsection (c); and amending Title 84, Revised Civil Statutes of Texas, 1925, as amended, by adding Articles 5236f, 5236g, and 5236h.

S.B. 316 by Truan Intergovernmental Relations
Relating to the appointment of additional commissioners of a housing authority; amending Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 1269k, Vernon's Texas Civil Statutes), by adding Section 5a.

S.B. 317 by Truan Human Resources
Relating to a medical screening, diagnosis, and treatment program for certain children.

S.B. 318 by Truan Natural Resources
Relating to certain rates charged by certain public utilities.

S.B. 319 by Truan Human Resources
Relating to the definition of "permanent and total disability" as used in determining eligibility for assistance grants; amending Subsection (2), Section 16-B, Chapter 1, General Laws, page 544, Acts of the 46th Legislature, Regular Session, 1939, as amended (Article 695c, Vernon's Texas Civil Statutes).

S.B. 320 by Truan Human Resources
Changing the name of the State Department of Public Welfare to the Department of Human Resources; providing for the appointment of a director of the department; transferring all powers and duties of the State Board of Public Welfare and the Commissioner of Public Welfare to the director of the Department of Human Resources and abolishing the board and the office of commissioner.

S.B. 321 by Truan Economic Development
Relating to the payment of benefits and the amount of benefits to be paid under certain policies of group insurance; amending Chapter 21, Insurance Code, as amended, by adding Article 21.35-1.

S.B. 322 by Snelson Education
Relating to the participation of the State of Texas in the Academic Common Market; adding a new Section 160.07 to the Texas Education Code and declaring an emergency.

S.B. 323 by Snelson Education
Relating to the authority of the Coordinating Board, Texas College and University System, to contract with medical schools, licensed hospitals and non-profit corporations for the purpose of providing state funds to family practice residency training programs; amending Chapter 61, Texas Education Code, as amended, by adding Subchapter G.

S.B. 324 by Snelson Intergovernmental Relations
Authorizing the Texas Employment Commission to exchange certain State-owned land for certain land owned by First National Bank of Midland, of Midland, Midland County, Texas; and declaring an emergency.

S.B. 325 by Hance State Affairs
Relating to the qualifications for holding elective public offices, with special provisions relating to the office of school trustee; amending Subdivision 2, Section 5, Texas Election Code, as amended (Article 1.05, Vernon's Texas Election Code); also amending Section 22.05 and Subsection (c) of Section 23.19, Texas Education Code, and repealing Section 21.007, Texas Education Code.

S.B. 326 by Truan Human Resources
Relating to services and programs for children and youth; repealing Chapter 711, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(43), Vernon's Texas Civil Statutes).

S.B. 327 by Truan Human Resources
Relating to creation of a state office for early childhood development.

S.B. 328 by Longoria Education
Relating to the validation of the acts and proceedings of school districts; and declaring an emergency.

S.B. 329 by Longoria State Affairs
Relating to standard time; exempting all of Texas from the provisions of the Uniform Time Act of 1966; repealing Chapter 359, Acts of the 50th Legislature, 1947 (Article 23a, Vernon's Texas Civil Statutes).

S.B. 330 by Lombardino, Traeger, McKnight, Meier,
Jones of Harris, Jones of Taylor, Kothmann, Snelson,
Sherman, Schwartz, Hance Intergovernmental Relations
Relating to the creation of certain new judicial districts and the reorganization of certain existing districts; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a), Vernon's Texas Civil Statutes), by adding Sections 3.044-3.066; amending Subdivisions 15, 52, and 69, Article 199, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 331 by Sherman Natural Resources
Relating to permitting the Railroad Commission of Texas to transfer certain funds appropriated by the General Appropriations Act for the fiscal year ending August 31, 1977, from oil and gas regulation to natural gas utilities.

S.B. 332 by Patman State Affairs
Relating to biennial reports by the governor on the organization and efficiency of state agencies.

S.B. 333 by Mengden, Harris, Santiesteban,
Braecklein, Hance Economic Development
Relating to increasing the maximum hotel occupancy tax for cities to four percent; amending Sections 3a and 3c(b), Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.J.R. 25 by Mengden State Affairs
Proposing an amendment to Article XVI of the Texas Constitution, by adding Section 30c to provide that appointive members of governmental bodies who are appointed by the governor shall serve at the pleasure of the governor.

S.J.R. 26 by Truan Natural Resources
Proposing an amendment to the Texas Constitution to provide a free and unrestricted access to the public beaches.

S.C.R. 13 by Ogg Administration
Granting Fleetwood Construction Company permission to sue the State of Texas.

S.C.R. 14 by Ogg Administration
Granting Fleetwood Construction Company permission to sue the State of Texas.

S.C.R. 15 by Clower Natural Resources
Requesting the Public Utilities Commission to study the feasibility of a major revision of utility rate structures.

S.C.R. 16 by Clower Human Resources
Requesting all cities within the state's Standard Metropolitan Statistical Areas to consider the adoption of ordinances regulating the automobile repair business.

S.C.R. 17 by Longoria Administration
Granting Terry Bishop permission to sue the State of Texas.

MESSAGE FROM THE HOUSE

House Chamber
January 24, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 16, In Memory of former Representative Henry Grady Perry.

H.C.R. 23, In Memory of Representative R. B. McAlister.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHORS OF SENATE BILL 230

On motion of Senator Aikin and by unanimous consent, Senators Doggett and Truan will be shown as Co-authors of **S.B. 230**.

CO-AUTHOR OF SENATE BILL 74

On motion of Senator Aikin and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 74**.

CO-AUTHOR OF SENATE BILL 106

On motion of Senator Mengden and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 106**.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 7**SENATE RESOLUTION 64**

Senator Parker offered the following resolution:

WHEREAS, Monday, January 24, 1977, has been selected as Orange County Day because that area is a source of pride for all the residents of Orange County as well as the citizens of the State of Texas; and

WHEREAS, Orange County, located in East Texas, was created in 1852 from Jefferson County and named for an orange grove found in the county at the time it was settled; Orange County is bounded by the Sabine River, the Neches River, and Sabine Lake; and

WHEREAS, When the United States boundaries stopped at the Sabine River, and the Texas boundaries extended only to the Neches River, the area between the two rivers became known as "No Man's Land"; it was an area where people came who wanted to live outside laws of either state or federal jurisdiction; and

WHEREAS, The roots of settlement and industrial development lay in the timber industry; in the late 1860's and early 1870's, huge logs from the Big Thicket, which then covered all of Southeast Texas, were floated down the Sabine River for use as ship masts; later Orange County became a center for the shipbuilding industry; one ship that was built in the county seat, Orange, Texas, is now on display at Sea Wolf State Park; and

WHEREAS, The citizens of Orange County, in 1865, saw their county leveled by a hurricane only to rebuild it to its accustomed standards through notable reconstruction efforts; and

WHEREAS, Orange County contains vast mineral wealth in the form of oil, gas, cement, clays, sand, gravel, and other valuable lodes; it is the home of a burgeoning oil-industrial economy; since 1913, Orange County has produced over 100 million barrels of oil; it is a center for petrochemicals, rice milling, seafood processing, and the paper industry; a new railroad has been constructed to the Owens-Illinois paper plant in Orange, Texas; and

WHEREAS, Orange County's tremendous agribusiness potential is based on an abundance of rice, timber, and soybeans and the raising of poultry and cattle; and

WHEREAS, The county has many historic sites within its borders, especially in the county seat of Orange, Texas; Orange is the home of the world's first air conditioned public building, the "Mothball Fleet" of reserve ships at the Naval Reserve Center, the E. W. Brown Home, the W. H. Stark Mansion and Carriage House, and adjacent to the Stark Mansion, a new developing Civic Plaza with an art museum and a theatre for the performing arts; and

WHEREAS, Since 1962, more tourists have visited Orange County than any other county in the State of Texas in order to take advantage of the tremendous fishing, hunting, and water sports of Orange County; and

WHEREAS, It is appropriate that the Senate of the State of Texas recognize Orange County and its citizens for contributions and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas commend Orange County and extend best wishes for their celebration of Orange County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Orange County in recognition of this great occasion.

The resolution was read and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was received and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
January 24, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be ADJUTANT GENERAL of Texas: For a two-year term to expire January 16, 1979: General Thomas S. Bishop of Austin, Travis County is being reappointed.

To be ASSISTANT ADJUTANT GENERAL for Army: For a two-year term to expire January 16, 1979: General Willie Scott of Austin, Travis County is being reappointed.

To be ASSISTANT ADJUTANT GENERAL for Air: For a two-year term to expire January 16, 1979: General Belisario D. J. Flores of Austin, Travis County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

COMMUNICATION FROM THE GOVERNOR REGARDING NOMINATION

January 24, 1977

Mrs. Betty King
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mrs. King:

On January 17, 1977, I submitted the appointment of Mr. Fred Parkey of Iowa Park to be Interstate Compact Commissioner for the Red River. Mr. Parkey will serve a four-year term to expire February 1, 1979.

On the submission sheet, the expiration date of Mr. Parkey's term has been omitted. Please make the necessary additions to reflect the fact that Mr. Parkey will serve until February 1, 1979.

Sincerely,
DOLPH BRISCOE
Governor of Texas

COMMUNICATION FROM THE STATE BOARD OF EDUCATION

The following Communication from the State Board of Education was received and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

October 4, 1976

Honorable William P. Hobby
Lieutenant Governor
Senate Chamber
Capitol Building
Austin, Texas 78711

Dear Governor Hobby:

At its meeting on September 11, 1976, the Texas State Board of Education appointed Dr. M. L. Brockette as the State Commissioner of Education.

The appointment of Dr. Brockette is to be effective June 1, 1977 through May 31, 1981, subject to confirmation by the Senate.

We shall appreciate your submission of this appointment to the Senate.

Very truly yours,

Joe Kelly Butler, Chairman
State Board of Education

COMMUNICATION FROM THE TEXAS EDUCATION AGENCY

The following Communication from the Texas Education Agency was received and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

September 19, 1975

Mr. Charles A. Schnabel
Secretary of Senate
State of Texas
State Capitol
Austin, Texas 78711

Dear Mr. Schnabel:

I am submitting to you for confirmation by the Senate the following appointments to The Advisory Council for Technical-Vocational Education in Texas:

Mr. Joe Gunn
4304 Caswell
Austin, Texas 78703

Mr. Gunn will fill the position vacated by W. H. (Harrell) Townsend in the membership category of one member representing the State Employment Service having special knowledge, experience, or qualifications with respect to career development, job placement, job development, or job adjustment. His term will expire on August 31, 1981.

Mr. S. Don Rogers
3100 Gentry
Austin, Texas 78746

Mr. Rogers will fill the position vacated by S. P. Cowan in the membership category of one member representative of local education agencies and school boards. His term will expire on August 31, 1981.

Mr. James H. Harwell
9502 Stoneridge
Austin, Texas 78758

Mr. Harwell will fill the position vacated by Vernon A. McGee in the membership category of two members representing state industrial and economic development agencies. His term will expire on August 31, 1981.

Mr. Bob Avina
225 Mary Louise
San Antonio, Texas 78201

Mr. Avina will fill the position vacated by Gwendolyn Foster in the membership category of one member having special knowledge, experience, or qualifications with respect to the locally administered manpower programs sponsored by organizations having voting representatives of the socioeconomically disadvantaged in their policy-making bodies. His term will expire on August 31, 1981.

Dr. J. R. Jackson
115 South Cedar Street
Lake Jackson, Texas 77566

Dr. Jackson will fill the position vacated by Luis M. Morton in the membership category of one member actively engaged in the administration of community or junior college vocational-technical education. His term will expire on August 31, 1981.

Mr. J. W. Hamby
1100 Garland Street
Plainview, Texas 79072

Mr. Hamby will fill the unexpired term of Roy B. Davis in the membership category of four members representing a cross section of industrial, business, professional, agricultural, and health services occupations. His term will expire on August 31, 1979.

Mr. David E. Pickett
5924 Birchbrook #121
Dallas, Texas 75206

Mr. Pickett will fill the new membership category of one member representative of the manpower services councils. His term will expire on August 31, 1981.

Mr. Frederick McClure
P. O. Box 541
San Augustine, Texas 75972

Mr. McClure will fill the new membership category of one member who is a present or recent vocational education student who is not otherwise qualified for membership. His term will expire on August 31, 1979.

Mr. Ray A. Meyer
12423 La Lira Street
San Antonio, Texas 78233

Mr. Meyer will fill the new membership category of one member representing proprietary vocational-technical schools of the state. His term will expire on August 31, 1977.

The following reappointments are also submitted:

Mr. Hugh E. McCallick
Dean, College of Technology
University of Houston
Cullen Boulevard
Houston, Texas 77004

Mr. McCallick represents the membership category of one member who is familiar with post-secondary baccalaureate technical degree programs. His term will expire on August 31, 1981.

Mr. E. D. Redding
Vice President and Assistant
to the President
Brown & Root, Inc.
P. O. Box 3
Houston, Texas 77001

Mr. Redding represents the membership category of one member familiar with vocational needs and problems of management in the state. His term will expire on August 31, 1981.

Both appointments and reappointments were recommended by Governor Briscoe and approved by the State Board of Education on September 13, 1975, in compliance with Section 31.12 of the Texas Education Code.

Very truly yours,

M. L. Brockett
Commissioner of Education

SENATE CONCURRENT RESOLUTION 10 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.C.R. 10, Inviting T. R. Fehrenbach to address a Joint Session of the Legislature on Texas Independence Day, March 2, 1977.

The resolution was read second time and was adopted.

SENATE CONCURRENT RESOLUTION 2 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.C.R. 2, Granting Donald M. Holmquist permission to sue the State of Texas.

The resolution was read second time and was adopted.

SENATE CONCURRENT RESOLUTION 1 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.C.R. 1, Granting W. Kendall Baker permission to sue the State of Texas.

The resolution was read second time and was adopted.

MEMORIAL RESOLUTIONS

S.R. 57 - By Doggett: Memorial resolution for Reverend Albert F. Jesse.

S.R. 58 - By Doggett: Memorial resolution for Errin B. Osborn.

S.R. 60 - By Doggett: Memorial resolution for Dr. Benjamin M. Primer.

S.R. 61 - By Doggett: Memorial resolution for Frank W. McBee, Sr.

S.R. 63 - By Doggett: Memorial resolution for Mrs. Mildred Mohle.

S.R. 65 - By Snelson: Memorial resolution for J. Howard Hodge.

S.R. 66 - By Adams: Memorial resolution for Leland T. Jordan.

S.R. 67 - By Adams: Memorial resolution for Mayor A. J. (Whitey) Thompson.

CONGRATULATORY RESOLUTIONS

S.R. 56 - By Doggett, Aikin: Extending congratulations to Dr. James E. Peavy.

S.R. 59 - By Doggett: Extending congratulations to Fred Russ.

S.R. 62 - By Doggett: Extending congratulations to Dr. Coleman de Chenar.

ADJOURNMENT

On motion of Senator Aikin the Senate at 10:55 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTH DAY

(Tuesday, January 25, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Creighton, Moore.

A quorum was announced present.

The Reverend Henry F. Bourgeois, St. Mary's Cathedral, Austin, offered the invocation as follows:

Almighty Father, You have given us this beautiful and productive land of Texas. We come here from all parts of the state: the plains, the hill country, the valley, the coastal plain, the mountains and deserts. We come from large urban centers and sparsely populated rural areas. We come here to this state capitol as delegates of vast numbers of people who entrust to us the making of laws that will bring justice and peace for all.

As we begin another legislative day, we first of all turn our minds to You and thank You for our state and its people. We thank You for the honor of being elected, and the opportunity to serve. We acknowledge the fallibility of our judgment and turn to You for help and guidance in the tasks before us today. We ask Your blessings on our work, ourselves, our families and those we love. We ask this through Christ Our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.